



007 Rec'd PCT/PTO 102/MAR 2002

#8

PATENT

Customer Number: 22,852
Attorney Docket No. 4853.0084-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Masahiro IWAKURA)
) Group Art Unit: Not Yet Assigned
)
Application No.: 10/019,409) Examiner: Not Yet Assigned
)
Filed: December 28, 2001)
)
For: SULFUR ATOM-FREE)
ENZYME PROTEIN)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed, to the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application.

This Information Disclosure Statement is being filed within three months of the date of entry of the national stage of the above-referenced application. Each document listed on the attached Form PTO 1449 was cited in a communication in a counterpart Patent Cooperation Treaty application and copies of the listed documents are attached.

European Published Application Nos. 0 292 763 and 0 926 240 are not in English. "Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance [under 37 C.F.R. § 1.98(a)(3)] can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office."

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MPEP § 609 A(3), second paragraph. Applicant encloses a copy of such a Search Report from a counterpart PCT application for this application.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the claimed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 11, 2002

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